

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
vs.)	Case No. 20-cv-1036
)	
0.93 ACRES (0.478 ACRES FEE AND 0.448)	
ACRES EASEMENT), MORE OR LESS,)	
SITUATED IN DUBUQUE COUNTY, STATE)	
OF IOWA, AND CARLTON AND SHIRLEY)	
BUSCH, et al.,)	
)	
Defendants.)	

**EX PARTE APPLICATION FOR ORDER TO PERMIT DEPOSIT OF ESTIMATED
JUST COMPENSATION**

Plaintiff United States of America, by its undersigned counsel, moves this Honorable Court pursuant to Federal Rule of Civil Procedure 67(a) and Local Rule 67 for an Order directing the Clerk of Court to accept for deposit into the Court Registry, the sum of \$12,000.00, which amount the Federal Aviation Administration believes to be just compensation for the property to be taken by eminent domain in this action. In support of this application, the United States asserts as follows:

1. This is a condemnation action filed pursuant to the Declaration of Taking Act, 40 U.S.C. § 3114.
2. Rule 71.1(j)(1) of the Federal Rules of Civil Procedure requires the plaintiff to deposit with the Court “any money required by law as condition to the exercise of eminent domain and may make a deposit when allowed by statute.”

3. The Declaration of Taking Act states that title vests in the United States upon filing of the Declaration of Taking and depositing the estimated just compensation into the Registry of the Court. 40 U.S.C. § 3114(b).
4. The funds should be deposited into the Court Registry in an interest bearing account.
5. A proposed order is attached.

WHEREFORE, the United States respectfully requests that the Court order the Clerk of the Court to accept the deposit of \$12,000.00 and deposit these funds in an interest-bearing account in the Court Registry pending further order of the Court.

Dated: September 1, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Assistant Attorney General

/s/ Reade E. Wilson
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PROOF OF SERVICE

I HEREBY CERTIFY that this Ex Parte Application for Order to Permit Deposit of Estimated Just Compensation, and proposed order, will be served on all named Defendants together with the Complaint and other initial case filings.

/s/ Reade E. Wilson

Reade E. Wilson